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September 4, 2008

VIA CM/ECF

The Honorable Leonard P. Stark
 United States District Court
 844 North King Street, Lock Box 26
 Wilmington, DE 19801

Re: Mehmet Aksoy v. SelecTrucks of America, LLC
 C.A. No. 08-003 (GMS)
 Our File No: 06215-00102

Dear Magistrate Judge Stark:

The undersigned represents defendant, SelecTrucks of America, LLC, in the above-referenced matter. Plaintiff is represented by Rick Miller, Esquire. This matter is currently scheduled for a mediation with Your Honor on September 19, 2008 and the parties are required to submit their confidential mediation statements by September 5, 2008.

I am writing to advise Your Honor that the parties believe that mediation will not be worthwhile at this time. In late July, the parties entered into settlement discussions. A settlement agreement was ultimately reached, however, shortly thereafter the plaintiff advised his attorney that he had second thoughts about settling the case. Despite his efforts, plaintiff's counsel was unable to convince his client to proceed forward with the agreement. On August 4, 2008, Mr. Miller filed a Motion to Withdraw as counsel for the plaintiff. Defendant filed a Motion to Enforce the Settlement Agreement on August 6, 2008. By Order dated August 29, 2008, the Court denied the Motion to Withdraw and ordered plaintiff to respond to defendant's Motion on or before September 15, 2008. Thus, in light of the pending Motion to Enforce the Settlement Agreement, the parties respectfully request that the September 19, 2008 mediation be canceled. Should the Court deny defendant's Motion, the parties may reconsider submitting the case to mediation at a later date.

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Thank you for your consideration. I am available should Your Honor have any questions.

Respectfully submitted,


TRACY A. BURLEIGH
Delaware Bar I.D. No. 3609

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cc: Rick S. Miller, Esquire (via CM/ECF)
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